

ARBITRATION OF GEORGE J. SALEM CLAIM

Agreement signed at Cairo January 20, 1931

Entered into force January 20, 1931

*Terminated upon fulfillment of its terms*¹

47 Stat. 2700; Executive Agreement Series 33

Whereas the Government of the United States of America has presented to the Royal Government of Egypt a claim on behalf of George J. Salem for damages resulting from acts of the Egyptian authorities;

Whereas the Royal Government of Egypt has denied its liability in the premises; and

Whereas the two Governments are equally committed to the policy of submitting to adjudication by a competent tribunal all justiciable controversies that arise between them which do not lend themselves to settlement by diplomatic negotiations,

Therefore the undersigned William M. Jardine, Envoy Extraordinary and Minister Plenipotentiary of the United States and His Excellency Abdel Fattah Yehia Pasha, Minister for Foreign Affairs of the Royal Government of Egypt duly empowered therefore by their respective Governments, have agreed upon the stipulations contained in the following articles:

ARTICLE 1

The claim of the United States against the Royal Government of Egypt arising out of treatment accorded George J. Salem an American citizen by Egyptian authorities shall be referred to an Arbitral Tribunal in conformity with the conditions herein-after stated, the decision of the said Tribunal to be accepted by both Governments as a final, conclusive and unappealable disposition of the claim.

ARTICLE 2

The Tribunal shall be composed of three members, one selected by the Government of the United States, one by the Government of Egypt and

¹ On June 8, 1932, the arbitral tribunal declared that the Royal Government of Egypt was not liable for damages (Salem Claim: *Arbitration Between the United States and Egypt*, Department of State Arbitration Series No. 4 (6), p. 67).

the third who shall preside over the Commission should be selected by mutual agreement between the two Governments. If the two Governments shall not agree within one month from the date of the signature of this agreement in naming such third member then he shall be designated by the President of the Permanent Administrative Council of the Permanent Court of Arbitration at The Hague.

ARTICLE 3

The questions to be decided by the Tribunal are the following: first, is the Royal Government of Egypt under the principles of law and equity liable in damages to the Government of the United States of America on account of treatment accorded to the American citizen George J. Salem? Second, in case the Arbitral Tribunal finds that such liability exists what sum should the Royal Government of Egypt in justice pay to the Government of the United States in full settlement of such damages?

ARTICLE 4

The procedure to be followed by the two Governments and by the Tribunal shall be as follows: Within ninety days from the date of the signing hereof the Government of the United States and the Government of Egypt shall respectively file with the Tribunal and with the Foreign Office of the other Government a statement of its case with supporting evidence.

Within ninety days from the expiration of such period the two Governments shall in like manner file their respective counter-cases with supporting evidence with the Tribunal and with the Foreign Office of the other Government.

Within sixty days from the expiration of this latter period each Government shall file in the same manner a reply to the counter-case of the other Government or notice that no such reply will be filed. Such replies if made shall be limited to the treatment of questions already developed in the cases and counter-cases and no new issues shall be raised or treated of therein.

ARTICLE 5

The two Governments shall have the right to submit to the Tribunal both orally and in writing such arguments as they may desire but briefs of all written arguments shall be filed with the Tribunal and with the agent of the other Government not less than ten days before the time set for oral argument.

Ample time shall be allowed the representatives of both Governments to make oral arguments of the case before the Tribunal. Such arguments shall take place in Vienna and shall begin not more than sixty days from the expiration of the date for filing replies or notices that no replies will be filed.

ARTICLE 6

Each Government shall designate an agent and such counsel as it may desire to represent it in the presentation of the case to the Tribunal and otherwise.

ARTICLE 7

The decision of the Tribunal shall be given within two months from the date of the conclusion of the oral arguments and in case an award is made against the Royal Government of Egypt the amount thereof shall be paid to the Government of the United States within ninety days from the date of the said award.

ARTICLE 8

All written proceedings in connection with this arbitration shall be in both the French and English languages. The oral arguments before the arbitral commission may be made in either English or French but a translation thereof shall be submitted to the Tribunal and to the agent of the other Government at the end of each argument.

ARTICLE 9

Each Government shall bear its own expenses including compensation of the arbitrator named by it.

The compensation of the third Arbitrator and general expenses of the arbitration shall be borne by the two Governments in equal proportions.

Done in duplicate in the English and French languages at Cairo the twentieth day of January A.D. 1931.

WILLIAM M. JARDINE
A. YEHA